REMARKS/ARGUMENTS

Claims 1 and 9 were previously cancelled. No amendments to the claims are made herein. Claims 2-8 and 10-17 remain in the application. No new matter has been added. Consideration and examination is respectfully requested.

1. REGARDING REJECTION OF CLAIMS 2-8 & 10-17 UNDER JUDICIALLY CREATED DOCTRINE OF OBVIOUSNESS-TYPE DOUBLE PATENTING:

In item 4 on page 2 of the Office Action mailed 6 August 2004 (Paper No./Mail Date 080204) referred to hereinafter as the Office Action of 6 August 2004, claims 2-8 and 10-15 were "rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,679,290 B2." The Office Action of 6 August 2004 alleged that "Although the conflicting claims are not identical, they are not patentably distinct from each other because each and every limitations claimed in claims 2-8 and 10-15 of the present application has been previously claimed." In a telephone interview with the Examiner on 26 October 2004, Examiner clarified that claims 16-17 were also rejected as above. Applicant respectively traverses.

Regarding Rejection of Independent Claims 3-5 Under Judicially Created Doctrine of Obviousness-type Double Patenting:

The Present Application is a Continuation Application of previously filed Application Serial Number 10/021,614 which has issued as U.S. Patent No. 6,679,290 B2. Among other items, none of the claims of U.S. Patent No. 6,679,290 B2 include the claim element "wherein when power is applied to the circuit, the circuit automatically performs a self-test" as claim 3 (lines 13-14), claim 4 (lines 13-14), and claim 5(lines 13-14) do. Nor do any of the claims of U.S. Patent No. 6,679,290 B2 include the claim element "wherein when the SELF-TEST detects a defect, ..." as claim 3 (line 15), claim 4 (line 15), and claim 5(line 15) do.

Thus, Applicant has demonstrated that each of independent claims 3-5 of the Present Application include elements not claimed in U.S. Patent No. 6,679,290 B2. As such, Applicant has overcome the rejection of claims 3-5 under the judicially created doctrine of obviousness-type double patenting. Thus, claims 3-5 are allowable.

Regarding Rejection of Dependent Claims 2, 6-8, and 10-17 Under 35 U.S.C. § 102(e):

Because dependent claims 2 and 6-8 depend from independent claim 3, it is noted that dependent claims 2 and 6-8 have all the features described above for claim 3 as elements; because dependent claims 10-13 depend from independent claim 4, it is noted that dependent claims 10-13 have all the features described above for claim 4 as elements; and because dependent claims 5 and 14-17 depend from independent claim 5, it is noted that dependent claims 14-17 have all the features described above for claim 5 as elements. As demonstrated above, each of independent claims 3-5 includes claim elements not claimed in U.S. Patent No. 6,679,290 B2.

Thus, Applicant has demonstrated that each of dependent claims 2, 6-8, and 10-17 of the Present Application include elements not claimed in U.S. Patent No. 6,679,290 B2. As such, Applicant has overcome the rejection of claims 2, 6-8, and 10-17 under the judicially created doctrine of obviousness-type double patenting. Thus, claims 2, 6-8, and 10-17 are allowable.

2. IN CONCLUSION:

Entry of this amendment is respectfully requested. Applicant believes that all claims pending in the Present Application as described above are allowable and that all other issues raised by the Examiner have been rectified. Therefore, Applicant respectfully requests the Examiner to reconsider his rejections and to grant an early allowance.

Respectfully submitted,

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